

ADMINISTRATIVE REMEDY PROCEDURE (ARP)

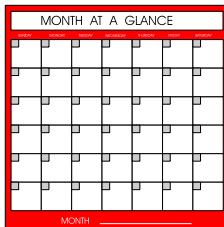
(How to Complain About Your Problem)

What is this all about?



It is about problems. You have to tell your counselor, a custody staff member or other staff member what your problems are so that they can help you. These problems could be any number of things like: "When do I get out?" "I don't get enough to eat." "I don't have all my clothes." "I lost something that belonged to me personally." "They won't let me have a cool magazine I want." "The teacher is always picking on me."

Try to solve your problem informally by talking to a staff member about it. If you don't think your problem has been solved, or if you don't think they can help you, you can file an ARP.



Don't wait too long. You have **Ninety (90) days** from the day your problem started to write about your problem and get it to the right person.

The real name for this procedure is the Administrative Remedy Procedure - but call it "ARP"—it's shorter. It means that you write to the Director and he will have someone try to fix your problem. You must try to take care of a problem using the ARP before you can sue the department in federal or state court.

How does ARP work?

First, tell the Director what the problem is by writing about it on a form.



- + The form is kept in several places at your facility (dorm, cafeteria, school and infirmary) and the ARP Coordinator will also have copies for you. If you can't find a form, write about your problem on a plain sheet of paper and label it "This is a request for ARP."
- + Your case manager, counselor, a teacher, team leader or another staff member will help you write the ARP if you need help with it.
- + Once written, you have started using the formal ARP grievance process. It was created to let staff know of your problem and, hopefully, fix it for you.

There are three parts to this process:

Screening- ARP Coordinator's Review

When the ARP Coordinator receives your ARP, she will screen your request. If it is not complete, or there is some other problem, she will return it to you with an explanation. If the ARP is accepted, the ARP Coordinator will look over what you have written on the form and make recommendations to the Director.

Step ARP Coordinator's Recommendation and Director's Response

The Director will look over your ARP and the ARP Coordinator's recommendation and give you an answer back in writing.

Step Deputy Secretary's Response

If you are not happy with the Director's answer, you can ask that the boss of Youth Services look at your grievance. He/She is called the Deputy Secretary. The Deputy Secretary will look over your ARP and give you an answer in writing.

If you are not happy with the Deputy Secretary's answer or you think that it does not take care of your problem, tell the ARP Coordinator. The ARP Coordinator will write your parents or legal guardian and let them know the outcome of the ARP.

If you do not understand how the ARP works, talk about it with your case manager, counselor, ARP Coordinator or another staff member. They will help you. Another place to get help is on Pages 9 and 10 of this booklet. These pages list some words and phrases that explain what each word means.

How do I begin?



First, think about your problem....your "grievance." Have you talked with your case manager, counselor or other staff member about it? If you haven't, it may be a good idea to see if they can help before you begin. You don't have to talk to them, but they may be able to quickly take care of the problem for you.

Think....what is your grievance about? Ask yourself, is my grievance about:

- ☐ a disciplinary ticket?
- ☐ a judge's order or a court decision?

If you answered "**YES**" to either of these two things, you cannot file an ARP. See your "Disciplinary Rules and Procedures for Youth" for disciplinary matters or see your case manager, counselor or other staff member for help. This is especially important if you have a problem with a judge's order or a court decision because you may need to contact your attorney for legal help with this.

You also need to think about some other things. Ask yourself:

- ☐ Did I already submit an ARP Form about this problem?
- ☐ Am I complaining about something that hasn't even happened?
- ☐ Did it happen over 90 days ago?
- ☐ Am I talking about somebody else's problem?

If you answered **"YES"** to any of these questions, you don't need to fill out an ARP Form because it would be rejected. But if your problem is about your safety or someone else's, you must tell your case manager, counselor or other staff member immediately.

- Medical emergency? You can get help immediately by telling someone.
- Afraid for your safety? You may ask to be placed in a protection area.
- Other emergencies? You should tell the shift supervisor.



Is it a Sensitive Issue?

If you believe something bad might happen to you if you complain about something at your facility, you may send your ARP Form directly to the Deputy Secretary of Youth Services. If he looks at your problem and agrees that it is a "sensitive issue," he will answer it. If he does not agree that it is a "sensitive issue," he will return your complaint to you and to the ARP Coordinator. You will have what is left of the 90 days, or if there are fewer than 7 days, you will have 7 days to file your complaint.

What's Next?

If you answered **"NO"** to all of these questions, you are ready to go ahead.

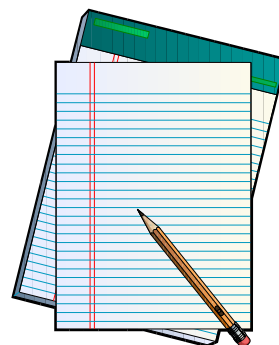
☺ **Getting Started:**

Get an ARP Form from your case manager, counselor, teacher or from one of the places the forms are kept at the facility. Read the form. Do you need help? If you do, ask one of these persons to help you fill it out. If you can't find the form, you can write "This is a request for ARP" on a sheet of paper and put everything listed below on the paper.

☺ **Tell Us Your:**

- name
- facility
- CLIENT ID number
- living area (where your bed is located)
- problem [you must say what the problem is, who (if anyone) is a part of the problem or caused the problem, the day and the time it happened (if you don't know the exact time - put the time as close as you can), where it happened and how it happened]. If you have more than one problem, use a separate form for each.
- what you want done about the problem (this is called "relief sought or remedy requested")
- today's date (the date you fill out the form)

If you need more space to write about the problem, it's okay to use another sheet of paper as long as you make sure it stays with the first page of the ARP. You can also write on the back of the ARP form. If you need more time to gather information or complete the form, you may ask the ARP Coordinator for up to 5 more days to finish your ARP.



When you have finished, give the original ARP Form and all extra pages to the ARP Coordinator or put it all in the box where the ARP Coordinator can pick it up.

Screening - ARP Coordinator's Review and Recommendation

First, the ARP Coordinator will:

- ♦ look at your ARP form;
- ♦ write details in a log (notebook) to record that your complaint was received.

If your grievance is about any of those things for which you answered "YES" under "How do I begin?" (Pages 3 and 4), the ARP Coordinator will reject it and it will be returned to you with a written reason.

If everything is okay, the ARP Coordinator will:

- ♦ officially accept the complaint into the administrative remedy process and send you a copy of the ARP to let you know that it has been accepted;
- ♦ begin gathering information about the problem;
- ♦ possibly talk with you to get more information, talk with other staff, look at your file and do other things to investigate your problem; and
- ♦ The ARP Coordinator will write a recommendation to the Director on the original ARP form and give the form to the Director.



Step ARP Coordinator's Recommendation and Director's Response (up to 21 days to respond)

The Director will look over the ARP and the ARP Coordinator's recommendation, and if he has questions, he may do another investigation. He may need some additional time for giving you an answer. If he does, he will ask the Deputy Secretary for more time and you will receive something in writing letting you know this. The Director can get an extra 7 days to finish his response.



You will receive an answer to the ARP in writing from him. Read the Director's answer. If you are satisfied, you need to check on the ARP Form that you do not wish to go to the next step.

If you are not satisfied with the Director's answer:

- ◆ write why you are not satisfied with the Director's answer on the original form;
- ◆ check "YES" where the form asks if you want to go to the next step;
- ◆ write in the date you wrote all of this;
- ◆ attach all the papers to the ARP Form that you would like for the Deputy Secretary to look at;
- ◆ Give the original form and any papers to your case manager, counselor, or the ARP Coordinator, or put it in the grievance box where the ARP Coordinator can pick it up. You must do this within 10 days after you receive the Step One response.

If you need help filling out the part for Step Two or getting the papers you want to send with your ARP, ask your case manager, counselor or other staff members for help. (If you need more time, you may ask for up to 5 more days to get your ARP ready. Write to the Director to ask for more time.)

The ARP Coordinator will send the original form to the Deputy Secretary of Youth Services, P.O. Box 66458, Audubon Station, Baton Rouge, LA 70896 for the Deputy Secretary's review and will keep a copy in your ARP file.



Step **Deputy Secretary's Response**
(up to 21 days to respond)

The Deputy Secretary of Youth Services will respond to your ARP and may gather more information, if needed. Within 21 days from when the Deputy Secretary receives your ARP, you will receive his written answer, unless more time is needed.

If you are not satisfied with the Step Two answer, let the ARP Coordinator

know and she will send your parents or legal guardian a letter telling them that you have exhausted your administrative remedies. If you and your parents/legal guardian want the court to look at your grievance, you need to let the 19th Judicial District Court know within 30 days of getting the Step Two answer.

☺ **Remember:**

Don't file an ARP about something that hasn't even happened. No one can do anything about something that has not happened yet.



You can only file an ARP about something that affects YOU and is your problem. You cannot file an ARP for anyone else.

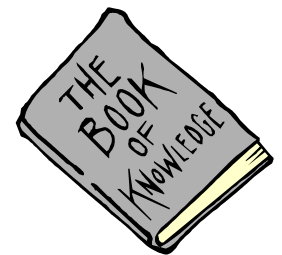
Each problem should be written on a separate ARP form. If you have more than one problem, use a different form for each one.

Cooperate with the persons trying to help you. You may be asked lots of questions, but this is to help everyone understand your problem and to help solve it.

If your ARP is about something belonging to you that was lost or damaged, the state will replace the item. If you did something to cause it to be lost or damaged, or if you lost it by gambling, selling, or trading with other youth, the state will not replace it. You will be given a "state-issue" item if the state has the item on hand. If not, the state will buy you a similar item with a cost of up to \$50.00.

DEFINITIONS

Here are the meanings of some important words you need to know:



Accepted - this means that your ARP can go through all of the ARP steps.

Administrative Remedy Procedure (ARP) - this is the formal way to make

people aware of a problem you are having. Staff may be able to fix a problem quickly. Staff will let you know if you need to use this process or if they can help you very quickly without using it.

ARP Coordinator - a person at your facility who is there to help you with filling out the ARP Form. They can talk with you about disciplinary tickets and can help with other things, too.

Deputy Secretary of Youth Services (YS) - this is the boss of the Directors of all of the facilities. He/She works at the YS Central Office in Baton Rouge. He/She will answer your ARP at Step Two.

Emergency Grievance - a problem that could cause you or someone else to be hurt very badly or cause everyone to be in danger if not taken care of right away.

File an ARP - someone may ask you, "Did you file an ARP?" or "Did you file a grievance?" This is another way of asking you if you filled out a form that tells everyone about your problem. When you fill out the form and it is given to the ARP Coordinator, it is said to have been "filed" - meaning the ARP process has begun.

Formal Process - filing an ARP when the "Informal Process" does not solve your problem.

Grievance - this is another word for ARP, problem or complaint.

Informal Process - this means getting a problem solved by talking to your case manager, counselor, the ARP Coordinator or other staff member.

Rejected - this means tossed out. A grievance can be rejected if it is not done correctly or if it does not meet all of the requirements.

Remedy Requested or Remedy Sought - this means how you want your problem solved.

Sensitive Issue - this means that you feel that something bad might happen

to you if the people at the facility know about your grievance.